



Order Filed on March 14, 2018
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Edward A. Tirpak

Case No.: 17-17631

Chapter: 13

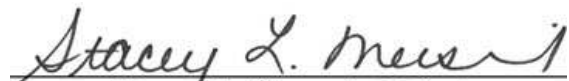
Hearing Date: February 14, 2018

Judge: Stacey L. Meisel

**ORDER DENYING MOTION TO ALLOW DEBTOR, EDWARD A. TIRPAK, TO
PROCEED WITH FEE ARBITRATION AGAINST DOUGLAS A. COLE, ESQ.**

The relief set forth on the following pages, numbered two (2) through 3 is
ORDERED.

DATED: March 14, 2018


Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Edward A. Tirpak

Case No.: 17-17631

Caption of Order: Order Denying Motion to Allow Debtor, Edward A. Tirpak, to Proceed
With Fee Arbitration Against Douglas A. Cole, Esq.

THIS MATTER having been brought before the Court on a *Motion to Allow Debtor, Edward A. Tirpak, to Proceed With Fee Arbitration Against Douglas A. Cole, Esq.* (Docket No. 62) (“**Motion**”) by debtor Edward A. Tirpak (“**Debtor**”), by and through his counsel, John A. Lipowski;

WHEREAS Debtor seeks permission from this Court to proceed with fee arbitration against his former counsel, Douglas A. Cole (“**Mr. Cole**”), pursuant to a New Jersey Office of Attorney Ethics *Attorney Fee Arbitration Request Form* (“**Fee Arbitration Request**”) attached as an exhibit to the Motion (Docket No. 62-4 at 2-3);

WHEREAS the Fee Arbitration Request asserts that Mr. Cole agreed to handle a bankruptcy matter for Debtor on or about February 6, 2017, in connection with which Debtor paid Mr. Cole \$6,000.00 in February 2017 (*see id.* at 2, 3);

WHEREAS Debtor filed his voluntary Chapter 13 petition on April 14, 2017 (the “**Petition Date**”);

WHEREAS 11 U.S.C. § 329(a) requires attorneys retained pre-petition to provide the Court with a statement of the compensation paid or agreed to be paid by the debtor within the year prior to the petition date for “services rendered or to be rendered in contemplation of or in connection with the case;”

WHEREAS, under Section 329(b), if such compensation “exceeds the reasonable value” of the services rendered, then the Court may, among other things, require a return of such payments to the estate; and

WHEREAS this Court therefore has jurisdiction over the fee dispute between Debtor and Mr. Cole described in the Fee Arbitration Request;

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Debtor: Edward A. Tirpak

Case No.: 17-17631

Caption of Order: Order Denying Motion to Allow Debtor, Edward A. Tirpak, to Proceed
With Fee Arbitration Against Douglas A. Cole, Esq.

It is hereby

ORDERED that the Motion is DENIED.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Edward A. Tirpak
Debtor

Case No. 17-17631-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2018.

db +Edward A. Tirpak, 1 Elaine Court, Randolph, NJ 07869-4725

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2018 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor MidFirst Bank bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
John A. Lipowski on behalf of Debtor Edward A. Tirpak jall001@aol.com
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
Services ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M. E. Powers, III on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com
William M.E. Powers on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor CitiMortgage, Inc. ecf@powerskirn.com
TOTAL: 9